

APPENDIX

Reports of Committees on Engrossed
and Enrolled Bills

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 422
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 203
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had Senate Bills
Nos. 317, 398, 432 and 442 carefully
examined, compared and read, and
find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 439
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 438
carefully examined, compared and

read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 299
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 452
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No.
43, carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

SIXTY-FOURTH DAY

(Monday, May 8, 1939)

The Senate met at 10:00 o'clock
a. m., pursuant to adjournment, and
was called to order by President
Stevenson.

The roll was called, and the fol-
lowing Senators were present:

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalfe
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Head	Pace
Hill	Redditt
Isbell	Roberts

Shivers	Sulak
Small	Van Zandt
Stone	Weinert
of Galveston	Winfield
Stone	
of Washington	

Absent—Excused

Spears

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 5, 1939, was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for today, an account of important business, on motion of Senator Aikin.

Senate Bills on First Reading

Senator Weinert moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing two general bills at this time, the provisions of which he explained to the Senate.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalfe	Weinert
Moffett	Winfield

Nays—2

Collie	Hill
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Absent

Head	Van Zandt
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Absent—Excused

Spears

The following bills then were introduced, read severally first time, and referred to the committees indicated:

By Senator Weinert (by request):

S. B. No. 454, A bill to be entitled "An Act validating bonds and other instruments or obligations, and the proceedings in reference thereto, heretofore issued by water control and improvement districts, water improvement districts, irrigation districts, conservation and reclamation districts, drainage districts, levee districts, navigation districts, road districts, school districts, counties, cities, incorporated towns and villages of this State for public works projects or for the funding or refunding of indebtedness theretofore incurred; restricting the application of this Act to instances wherein either loans or grants or both have been made to such public bodies by the United States of America, providing that the provisions of the Act shall not apply to any proceedings authorizing the issuance of bonds, notes or warrants, or to such securities in litigation instituted prior to the delivery of such securities and pending when the Act becomes effective, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Weinert (by request):

S. B. No. 455, A bill to be entitled "An Act relating to the subject of bonds, notes and warrants issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the College of Industrial Arts, and the Board of Directors of the Texas College of Arts and Industries, under Chapter Five, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other laws, including the validating of the bonds, warrants and notes issued by said Boards, the resolutions and other proceedings authorizing their issuance, and the provisions made for the payment of principal and interest of such bonds, warrants and notes; and making it the duty of said Boards to fix, maintain and collect charges or rates sufficient to pay principal

and interest as it accrues and matures on bonds, warrants and notes heretofore or hereafter issued, and for reasonable reserves; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Senator Sulak moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Beck	Nelson
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

Nays—2

Cotten	Moore
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Present—Not Voting

Pace

Absent

Hardin	Van Zandt
Head	

Absent—Excused

Spears

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Sulak:

S. B. No. 456, A bill to be entitled "An Act providing for the creation of an Agricultural-Horticultural and Dairy Industrialization Commission; providing for the naming of members of said Commission; and providing for their term of office and designating the Chairman of the said Commission; providing for the pay of certain members of said Commission; providing for the selection of Executive Secretary and other employees; defining the powers of said Commis-

sion; designating the numbers of petitioners necessary and stating the per cent of the volume of produce such petitioners shall represent; providing for the withdrawal of petitioners from their agreement, and defining the manner for such withdrawal; providing for the continuity of contracts; providing for the right of petition; defining grower; providing for the establishment of rules and regulations by the Commission; providing for the collection of an advertising tax; providing for the use of trademarks and labels; providing for the appointment of collaborating committees, and defining their authority under this Act; providing for the disbursement of funds; providing for the submission of reports to the Governor; providing for the deposit of funds in the State Treasury and the disposal of same by the Comptroller and Treasurer; and providing against the appropriation by the Legislature of any money except that accruing from this Act; providing penalty for the violation of the terms of contract made by virtue of this Act by the Commission against petitioners and declaring an emergency."

Referred to Committee on Agriculture.

Senator Aikin moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalf	

Nays—1

Moore

Absent

Head

Van Zandt

Absent—Excused

Spears

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Aikin:

S. B. No. 457, A bill to be entitled "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials and persons, as mentioned in the Act, and for public funds, including sinking funds of cities, school districts and other political corporations or subdivisions of said State, and that such securities shall be eligible to secure the deposit of public funds and sufficient security, to the extent of their value, for such deposits; providing that a finding of unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency."

Referred to Committee on Insurance.

Senate Concurrent Resolution 46

Senator Beck offered the following resolution:

Resolved, by the Senate and the House of Representatives concurring, That W. G. Farrier is hereby granted permission to bring suit against the State of Texas, the State Highway Department, and the State Highway Commission in a court of competent jurisdiction in Morris County, Texas, to ascertain and fix the amount or amounts that the State of Texas, the State Highway Department, and the State Highway Commission are indebted to the said W. G. Farrier on account of the loss of said mule; and in case such suit is filed service of citation shall be upon the Governor of the State of Texas, the Chairman of the Texas Highway Commission, and the Attorney General of Texas, and that said suit may be prosecuted regardless of any claim of limitation upon the part of the defendants therein, and that either party hereto shall have the right to appeal without the execution of a bond, and any judgment

that may be finally established against the State of Texas, the State Highway Department, and the State Highway Commission in said suit shall be a liquidated debt and shall be paid by the Texas Highway Department out of funds in its hands and under its control.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 76

Senator Martin offered the following resolution:

Whereas, The members of the Texas Senate feel that Texas is honored in having for its Lieutenant Governor and presiding officer of the Senate a man of outstanding ability and rugged personality. Indeed, there is no man among Texas people who more clearly typifies those wholesome, homespun qualities that characterize a real Texan than our own Coke Stevenson, and

Whereas, Because of the historical value attached to the preservation of that intangible something which makes the people of Texas proud to point to such a statesman as being typical of true Texans, and

Whereas, In our much esteemed and charming presiding officer Texas has a statesman who exemplifies all of these traits peculiar to the colorful pioneer of our great Southwest, and

Whereas, Dr. Frank Callcott, Professor of Spanish at Columbia University, has painted in oil a magnificent portrait of Lieutenant Governor Coke Stevenson, and

Whereas, The members of the Senate would like to show their honor and respect for the Lieutenant Governor by accepting this artistic painting; now, therefore, be it

Resolved, That the Senate of Texas accept this fine portrait with thanks to Dr. Callcott for his faithfulness in depicting in oil the vital character of Lieutenant Governor Stevenson; and be it further

Resolved, That this portrait be hung on the walls of the quarters of the Lieutenant Governor where others may have the pleasure of viewing it on their visits to the State Capitol; and be it further

Resolved, That an enrolled copy of this Resolution be conveyed to Dr. Frank Callcott.

MARTIN.

Signed — Aikin, Beck, Brownlee, Burns, Collie, Cotten, Graves, Hardin, Head, Hill, Isbell, Kelley, Lanning, Lemens, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Roberts, Shivers Small, Spears, Stone of Galveston, Stone of Washington, Sulak, Van Zandt, Weinert, Winfield.

The resolution was read.

(President Pro Tempore in the Chair.)

On motion of Senator Martin, and by unanimous consent, the resolution was considered immediately and the names of all Senators were added to it as signers thereof.

The resolution was adopted.

Night Session to Consider Local Bills

On motion of Senator Burns, and by unanimous consent, the Senate agreed to hold a night session at 7:30 o'clock p. m., Wednesday, May 10, 1939, instead of tonight at that hour, to consider local and non-contested bills.

Senate Concurrent Resolution 47

Senator Sulak offered the following resolution:

Whereas, The One Hundred Twenty Days of the Regular Session of the Forty-sixth Legislature are drawing to a close and

Whereas, The problems of liberalizing the Old Age Pension law and providing revenue to finance all Social Security still remain unsolved, and

Whereas, The aged people of the State have been waiting without pay for four (4) months for this Legislature to provide pensions for them, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Legislature will remain in session without compensation until these important problems are solved if it requires all summer to solve them.

The resolution was read.

(Senator Weinert in the Chair.)

Senator Sulak moved that the resolution be not referred to a committee and be considered at this time.

(President in the Chair.)

The motion was lost by the following vote:

Yeas—5

Aikin
Beck
Moffett

Redditt
Sulak

Nays—24

Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin

Metcalfe
Moore
Nelson
Pace
Roberts
Shivers
Small
Stone
of Galveston
Stone
of Washington
Weinert
Winfield

Absent

Van Zandt

Absent—Excused

Spears

Report of Conference Committee on House Bill 166

Senator Winfield submitted at this time the following report of the Conference Committee on H. B. No. 166:

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on H. B. No. 166,

Have met and beg leave to recommend that said H. B. No. 166 be passed in the form hereto attached.

Respectfully submitted,

WINFIELD,
ISELL,
MARTIN,
BECK,
PACE,

On the part of the Senate.

LOGGINS,
MONTGOMERY,
BRIDGERS,
BROWN of Cherokee,
ISAACKS,

On the Part of the House.

H. B. No. 166.

A BILL
TO BE ENTITLED

An Act providing for the issuance of serial coupon bonds for school purposes; authorizing such bonds to be issued by the Board of Trustees of any city or town located in any county having a population of not less than one hundred and twenty thousand (120,000) and not more than one hundred and thirty-three thousand (133,000) as shown by the last preceding United States Census which has assumed the control of its public free schools, or shall hereafter assume control thereof, where control of such schools is exercised through a Board of Trustees; providing for the calling and holding of election to authorize issuance of such bonds, and the issuance thereof in form and manner authorized in respect of independent school districts proper; providing for the levy and collection of tax necessary for the service of such bonds; providing that such bonds shall be the obligations of the city or town in its capacity as a school district proper and that any limitation in the amount of bonded indebtedness permitted such city or town contained in the charter of such city or town, or in other provision of law, general or special, shall not apply to the issuance of such bonds, vesting the issuance thereof exclusively in the Board of Trustees; repealing all laws and parts of laws, general and special, in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any common school district or independent school district, located in any county having a population of not less than one hundred and twenty thousand (120,000) and not more than one hundred and thirty-three thousand (133,000) as shown by the last preceding United States Census whether created by special Act of the Legislature or by vote of the people, and any city or town which has assumed control of its public schools may issue serial coupon bonds in the manner now provided by law for the issuance of bonds by common and independent school districts, for the purpose of building and equipping schoolhouses, to purchase

sites therefor, for the purpose of purchasing or building a teachers' home and for purchasing land in connection therewith; provided that no bonds shall be issued to provide a teachers' home in a district employing fewer than three (3) teachers in a single school.

Sec. 2. In any city or town located in any county having a population of not less than one hundred and twenty thousand (120,000) and not more than one hundred and thirty-three thousand (133,000) as shown by the last preceding United States Census which has, when this Act becomes effective, assumed the control of the public free schools therein, or which shall hereafter assume control of its public free schools, regardless of whether such control was or shall be acquired by the authority of Articles 2768 or 2769 of the Revised Civil Statutes of Texas of 1925, or any local, general or special law, or the provision of any charter, or by any other authority whatsoever, where such control is exercised through a Board of Trustees, such Board of Trustees shall have and may exercise all and singular the powers and authority in respect of the issuance of bonds for school purposes possessed by Boards of Trustees of independent school districts organized for school purposes only. No such bonds shall be issued until such action shall have been authorized by a majority of the votes cast at an election held in the school district constituted of such city or town at which none but qualified voters who own taxable property in said school district and who have duly rendered the same for taxation shall be entitled to vote. The calling and holding of such election, the authorization by the electorate of the issuance of such bonds, and the issuance, sale and disposition thereof, shall be governed by Articles 2785, 2786, and 2788, Revised Civil Statutes of Texas of 1925, and any amendments thereto, and any other provisions of the laws of the State applicable to the authorization and issuance of bonds of independent school districts proper, except as such procedure shall be altered or modified by the provisions hereof. The proceeds of the sale of such bonds shall be deposited in the depository of such school district, to the credit thereof, and shall be disbursed only for the purpose for which the said bonds were issued on warrants issued by the

president of the Board of Trustees of such district and countersigned by the secretary of such Board.

Sec. 3. Where such bonds shall be issued by a city or town which has assumed the control of its schools, the Board of Trustees of such school district shall annually cause to be levied, assessed and collected, in form and manner provided by law for the levy, assessment and collection of other school taxes within said district, a tax sufficient in amount to provide for the payment of the annual accrual of interest on such bonds and for the retirement of the principal sum thereof at maturity, such tax not to exceed, however, fifty cents on the one hundred dollars valuation of taxable property within said school district. Such tax shall be levied, assessed and collected at the same time that the regular maintenance tax of said school district shall be levied, assessed and collected. The amount of tax levied for the service of bonds issued pursuant to the authority herein granted, together with the amount of tax levied for the service of bonds issued by such city or town in its capacity as a school district under the authority of any other law and the amount of maintenance tax levied for the benefit of said school district shall not exceed the total of the school district tax authorized to be levied by vote of the qualified electorate of said school district under the authority of Section 3 of Article 7 of the Constitution of the State and the Acts of the Legislature passed pursuant thereto.

Sec. 4. Bonds so issued shall be the obligations of the city or town constituting such school district in its capacity as a school district proper; provided, however, that any limitation in the amount of bonded indebtedness permitted such city or town contained in the charter of such city or town, or in other provision of law, general or special, shall not apply to the issuance of bonds by such city or town in its capacity as a school district proper pursuant to the authority herein granted, and the total of such bonds shall not be computed in determining the limit of the bonded indebtedness permitted such city or town by its charter, or other provision of law, general or special.

Sec. 5. From and after the effective

date of this Act the power to issue bonds for school purposes in any city or town located in any county having a population of not less than one hundred and twenty thousand (120,000) and not more than one hundred and thirty-three thousand (133,000) as shown by the last preceding United States Census which has assumed the control of its schools shall be vested exclusively in the Board of Trustees where such schools are managed and controlled by a Board of Trustees.

Sec. 6. Nothing herein appearing shall, in anywise, affect the validity of any bonds issued by any such city or town prior to the effective date of this Act by and through the governing body of such city or town, nor shall it affect, in anywise, the authority of the governing body of such city or town to issue any bonds for school purposes authorized by vote of the qualified electorate of such city or town prior to the effective date of this enactment. Bonds for school purposes heretofore lawfully issued by the governing body of such city or town, together with such bonds hereafter issued by the governing body of such city or town pursuant to authorization of the electorate voted prior to the effective date of this enactment, shall be and constitute the valid and subsisting obligations of such city or town in its capacity as a school district, and the payment of interest on and provision for the redemption of the principal of such bonds shall be provided for in the manner prescribed by existing applicable provisions of the laws of the State or the charter of such city or town.

Sec. 7. All laws or parts of laws, both general and special, in conflict herewith are hereby repealed.

Sec. 8. The fact that considerable confusion exists in respect of the laws applicable to the management and control of the public free schools within a city or town which has assumed the control of such public free schools, particularly with reference to the power and authority to issue bonds for school purposes and such confusion militates against the due and efficient administration and conduct of the affairs of school districts, and the further fact that the public interest demands the immediate clarification of the laws pertaining to such school districts, particularly with

reference to the issuance of bonds for school purposes, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent

Van Zandt

Absent—Excused

Spears

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 206. The following are conferees on the part of the House: Leonard, Bond, Celaya, Petsch, Vale.

The House has passed the following bills and resolution:

S. B. No. 190, A bill to be entitled "An Act providing for preference of employment in all State departments of this State of honorably discharged soldiers, sailors, nurses

and marines of the Army and Navy of the United States in the late Spanish-American and Philippine Insurrection Wars, in the China Relief Expedition, and the late World War of the Allied Nations; providing per cent of preference; providing mode and manner of ascertaining said per cent; providing qualifications for applicant; providing remedies in case of refusal to make such appointments; and providing exemptions from said Act; and declaring an emergency." (With amendments.)

S. B. No. 117, A bill to be entitled "An Act amending Article 2665 of the Revised Civil Statutes of the State of Texas, Acts Second Called Session, 1909, p. 432." (With amendments.)

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

S. C. R. No. 45, Providing that the Relief Map of the Big Bend Park remain on display throughout the summer, during which time a campaign will be made to raise money for the purchase of the land in the area of the proposed Big Bend National Park.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

**Conference Committee on Senate
Bill 117**

Senator Aikin called S. B. No. 117 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senator concur in the House amendments?

Senator Aikin moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Redditt, Weinert, Small and Cotten.

Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 54, "An Act amending Article 2654 of the Revised Civil Statutes of 1925, as amended by Chapter 52, of the Acts of the Second Called Session of the Forty-first Legislature, by adding thereto a new article to be known as Article 2654e, authorizing and directing the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, to except and exempt certain students from other nations of this continent from the payment of all dues, fees and charges; providing that the foregoing exemption shall not be construed to apply to deposits, nor to fees or charges for lodging, board or clothing; requiring that applicants claiming the benefits of this exemption shall be bona fide students, duly certified to the heads of such institutions by the proper authorities from their native countries, and declaring an emergency."

S. B. No. 135, "An Act further regulating all life, health and accident assessment insurance companies or associations or burial societies, repealing conflicting laws, authorizing the Board of Insurance Commissioners to limit the use of names, and to pass upon the worthiness of officers; requiring bonds of all employees having access to moneys; requiring deposits and limiting advertisements thereof; providing for keeping rosters and records of clubs, classes or groups, and prohibiting transfers of members, classes or groups to other associations or to

other classes or groups without the approval of the Board; requiring the keeping of adequate records satisfactory to the Board; prescribing the contents and form of applications and certificates, and renewal thereof; and limiting the amount of risk on any one life to Three Thousand Dollars (\$3,000.00); providing for regular and extra assessments, the separation of funds, limitation of expense and use of such funds; requiring full payment of claims, regulating contested claims; authorizing appointment of conservator and rehabilitation of associations; especially interpreting health and accident provisions, giving the Board authority to promulgate reasonable rules and regulations to carry out the purposes of this Act, preserving constitutionality, fixing an effective date; and declaring an emergency."

House Bill 9 on Passage to Third Reading

Senator Weinert moved to call from the table for further consideration at this time:

H. B. No. 9, A bill to be entitled "An Act providing the method of making application to purchase or lease unsurveyed school land commonly known as vacancies; providing for notice to those whose rights may be affected and a public hearing; providing a limitation upon the time in which such application must be acted upon and in which suit may be filed to establish the same; validating long established lines and corners and providing for presumption of their correctness in trials involving location of boundaries and attempts to locate vacancies between surveys long considered to adjoin; placing the burden of proof upon the party asserting such vacancy; giving a preference right to purchase such vacancy to the person or persons claiming the same in good faith regardless of the proximity of such land to wells producing oil or gas at a price dependent on whether or not such vacancy is excess land and providing that such purchase shall be subject to certain mineral reservations as a free royalty to the State; fixing the time and conditions under which such preference right to purchase may be exercised; repealing all laws or parts of laws in conflict herewith; providing that if a part of this Act shall be held unconstitu-

tional such holding shall not affect the remainder hereof, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—21

Aikin	Moore
Beck	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Weinert
Metcalf	Winfield
Moffett	

Nays—8

Brownlee	Isbell
Burns	Pace
Cotten	Sulak
Hill	Van Zandt

Absent

Nelson

Absent—Excused

Spears

The President laid the bill before the Senate on its passage to third reading (the bill having been read second time and tabled subject to call on Wednesday, May 3, 1939); with the following amendment by Senator Burns and the following substitute by Senators Lanning and Martin for the amendment pending:

Amendment by Senator Burns

Amend H. B. No. 9, Page 2, line 32, by adding the following: "Provided a person shall own said property for five years before he shall be a good faith claimant."

Substitute by Senators
Lanning and Martin

Amend H. B. No. 9, Page 2, line 32, by adding the following: "Provided a person or those under whom he claims, shall have had said land in his inclosure and be in possession thereof for a period of five years with a good faith belief that he was the owner thereof and that same was included within his survey."

Question—Shall the substitute be adopted?

Senator Lanning withdrew the substitute.

Senator Lanning then offered the following substitute for the amendment:

Amend H. B. No. 9, Page 9, line 32, by adding the following: Provided a person or those under whom he claims, shall have said land in his inclosure or under definite recognized boundaries and be in possession thereof for a period of ten years, with a good faith belief that he was the owner thereof and that same was included within his survey."

The substitute was adopted.

The amendment as substituted was adopted.

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 9, Page 5, line 9, after the word "act" by adding the following: "Provided the good faith claimant shall pay back to the applicant the amount of expenses incurred in determining the existence of the vacancy, as provided for in Section 1, Sub-section C, except the filing fees, within ninety (90) days after the Commissioner has declared the vacancy to exist or he shall lose all preference rights to lease or buy said land."

Question—Shall the amendment be adopted?

Senate Bill 190 with House
Amendments

Senator Lemens called up S. B. No. 190 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments.

Conference Committee on Senate
Joint Resolution 4

Senator Moffett called S. J. R. No. 4 from the President's table, for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Moffett moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Moffett, Small, Moore, Shivers and Isbell.

Bills and Resolutions Signed

The President signed in the presence of the Senate the following enrolled bills and resolutions:

H. B. No. 910, "An Act validating, ratifying and confirming all elections held for the issuance of bonds for the purpose of building school houses in consolidated common school districts in this State, where such school districts are located in counties having a population of not less than twenty-seven thousand, one hundred (27,100), and not more than twenty-seven thousand, four hundred and ten, (27,410), according to the last Federal Census, or any subsequent Federal Census; and where such school districts have a scholastic population, according to the 1938-1939 scholastic enumeration as shown in the Census Division of the Department of Education, of not less than one hundred (100), nor more than one hundred and thirty (130) pupils within the scholastic age; making said law cumulative of all laws now in force in this State, not in conflict herewith, and declaring an emergency."

H. B. No. 991, "An Act making it unlawful to shoot, take, trap, snare, or otherwise kill any wild quail in Camp County, Texas other than on Friday of each week during the open season and on legal holidays during such period, affixing penalty for violation thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. C. R. No. 125, Directing the Enrolling Clerk of the House to amend the caption of H. B. No. 544 by inserting a saving clause therein.

S. C. R. No. 45, Permitting map of Big Bend Park, to remain on

display in the rotunda of the Capitol throughout the summer.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time by the committee chairmen whose names are signed thereto:

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Election to whom was referred

H. B. 1020, A bill to be entitled "An Act providing amount of payment to the Executive Committee, in order to have name placed on ticket for Representative in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 980, A bill to be entitled "An Act providing that Commissioners Courts in certain counties shall have the power to provide facilities and financial aid to government agencies and bureaus having activities within the county; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1002, A bill to be entitled "An Act ratifying, validating, and

confirming the publication of every ordinance imposing any penalty, fine, or forfeiture heretofore passed and approved by any incorporated city or town within the State having a population of not less than ten thousand, four hundred and seventy (10,470), nor more than ten thousand, five hundred (10,500), situated in a county having a population of not less than twenty-two thousand and ninety, (22,090) nor more than twenty-two thousand one hundred (22,100), according to the last preceding Federal Census; providing that this Act shall not affect pending litigation; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas.

May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. C. R. No. 94, a Resolution directing the Department of Health of Texas to seek information and avail itself of all grants, donations and gifts available to be used in the clearing and improving of pollution prevailing in public streams of this State in accordance with authority conferred by S. B. No. 47, Chapter 42, Page 131, Acts of the First Called Session of the Fortieth Legislature, 1927,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,

May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 997, A bill to be entitled "An Act applicable to the County of Kerr, State of Texas, providing the season for taking or attempting to take fish from the fresh public waters of said County, or the tributaries of said waters; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Recess

On motion of Senator Stone of Washington, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

House Bill 973 on Second Reading

On motion of Senator Burns and by unanimous consent, Senate rule 48 was suspended, and the regular order of business was suspended to permit consideration of H. B. No. 973 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 973, A bill to be entitled "An Act providing for and fixing compensation of county auditors in certain counties, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 973 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 973 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent

Head	Moore
Hill	Nelson

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moffett
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent

Head	Moore
Hill	Nelson

Absent—Excused

Spears

House Concurrent Resolution 121

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended to permit consideration of H. C. R. 121 at this time.

The President laid before the Senate, for consideration at this time:

H. C. R. No. 121, Granting Ragland Clinic Hospital permission to sue the State of Texas.

The resolution was read.

Senator Pace offered the following (committee) amendment to the resolution:

Amend H. C. R. No. 121 by Davis of Upshur by adding a new paragraph just above the resolving clause, as follows:

"However, the sole purpose of this resolution is to grant permission to said Ragland Clinic Hospital to bring suit against the State, and no admis-

sion of the liability of the State is made by this resolution, but the facts as set out above shall be subject to proof in the court."

Also amend said resolution by taking the "now, therefore, be it" in the last whereas clause and put it at the end of the above inserted paragraph.

The amendment was adopted.

The resolution as amended was adopted.

House Bill 967 on Second Reading

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 967 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 967, A bill to be entitled "An Act to fix maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than 6,200 and not more than 6,225, whether organized under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 967 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 967 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lemens
Beck	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Isbell	Small
Kelley	Spears
Lanning	

Stone of Galveston Sulak	Van Zandt Weinert Winfield
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Absent

Head Hill	Moore Nelson
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Absent—Excused

Stone
of Washington

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moffett
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Head Hill	Moore Nelson
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Absent—Excused

Stone
of Washington**House Concurrent Resolution 90**

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended to permit consideration of H. C. R. No. 90 at this time.

The President laid before the Senate, for consideration at this time:

H. C. R. No. 90, Permitting E. L. Martin to bring suit against the Texas Highway Commission and the State of Texas.

The resolution was read.

Senator Graves offered the following (committee) amendment to the resolution:

Amend H. C. R. No. 90 by Colquitt by striking out the period at the end

of said resolution and inserting in lieu thereof a semicolon and then the following language:

“and be it further

“Resolved, That the sole purpose of this resolution is to grant permission to said E. L. Martin to bring suit against the Texas Highway Commission and the State of Texas for the above alleged cause of action, and no statement made herein shall be construed as an admission of fact by the State and/or Highway Department.”

The amendment was adopted.

The resolution as amended was adopted.

Senate Bill 436 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 436 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 436, A bill to be entitled “An Act amending Section 1 of H. B. No. 115, Acts Fortieth Legislature, First Called Session.”

The bill was read second time and was passed to engrossment.

Senate Bill 436 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 436 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Head Nelson
Moore

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent

Head Nelson
Moore

Absent—Excused

Spears

House Bill 980 on Second Reading

On motion of Senator Small and by unanimous consent, Senate Rule 48 was suspended, and the regular order of business was suspended to permit consideration of H. B. No. 980 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 980, A bill to be entitled "An Act providing that Commissioners' Courts in certain counties shall have the power to provide facilities and financial aid to government agencies and bureaus having activities within the county, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 980 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 980 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent

Head

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent

Head

Absent—Excused

Spears

House Bill 1002 on Second Reading

On motion of Senator Small and by unanimous consent, Senate Rule 48 was suspended, and the regular order of business was suspended to permit consideration of H. B. No. 1002 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1002, A bill to be entitled "An Act ratifying, validating and confirming the publication of every ordinance imposing any penalty, fine or forfeiture heretofore passed and approved by any incorporated city or town within the State; providing that this Act shall not affect pending litigation, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1002 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1002 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent

Head

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weine
Metcalf	Winfield
Moffett	

Absent

Head

Absent—Excused

Spears

Motion to Set Senate Bill 366 as a Special Order

Senator Hill moved that S. B. No. 366 be set as a special order for Friday, May 12, 1939, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Head
Beck	Hill
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Cotten	Pace
Graves	Sulak
Hardin	Van Zandt

Nays—10

Isbell	Small
Metcalf	Stone
Moffett	of Galveston
Moore	Weinert
Redditt	Winfield
Roberts	

Present—Not Voting

Nelson

Absent

Kelley

Shivers

Absent—Excused

Spears

Stone
of Washington

Senate Bill 70 with House Amendments

Senator Van Zandt called S. B. No. 70 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill and amendments before the Senate.

On motion of Senator Van Zandt, the Senate concurred in the House amendments to the bill.

Leave of Absence Granted

Senator Stone of Washington was granted leave of absence for the balance of today on account of attending the funeral of Hon. Sam D. W. Low, Sr., on motion of Senator Lanning.

Message from the House

The Chief Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 8, 1939

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 205 by a vote of 115 ayes and 0 noes.

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

Motion to Set Senate Bill 88 as a Special Order

Senator Burns moved that S. B. No. 88 be set as a special order for tomorrow, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote:

Yeas—10

Aikin	Isbell
Beck	Lanning
Burns	Redditt
Collie	Small
Graves	Weinert

Nays—17

Brownlee	Head
Cotten	Hill
Hardin	Kelley

Lemens
Metcalf
Moffett
Moore
Nelson
Roberts

Shivers
Stone
of Galveston
Sulak
Van Zandt
Winfield

Absent

Martin

Pace

Absent—Excused

Spears

Stone
of Washington

Senate Bill on First Reading

Senator Moore moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield

Absent—Excused

Spears

Stone
of Washington

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Moore:

S. B. No. 458, A bill to be entitled "An Act providing that private corporations may be formed for the purpose of planning, holding, financing, and conducting the national reunion and convention of any recognized fraternal order when held within the State of Texas, and exercising control over all matters pertaining to such reunion and convention; limiting the amount of filing fee that may be charged such corporations by the Sec-

retary of State; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 1010, to Committee on Counties and County Boundaries.

H. B. No. 688, to Committee on Highways and Motor Traffic.

House Joint Resolution 1 Ordered Mimeographed

On motion of Senator Moffett, it was ordered that H. J. R. No. 1 be mimeographed.

House Bill 688 Ordered Mimeographed

On motion of Senator Nelson, and by unanimous consent, H. B. No. 688 was ordered mimeographed.

House Bill 9 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 9, relating to the sale, etc., of public land vacancies, on its passage to third reading; with amendment by Senator Lanning pending.

Question—Shall the amendment be adopted?

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—20

Beck	Lemens
Brownlee	Martin
Burns	Metcalfe
Collie	Moffett
Cotten	Moore
Graves	Nelson
Hill	Pace
Isbell	Shivers
Kelley	Sulak
Lanning	Van Zandt

Nays—6

Aikin	Stone
Hardin	of Galveston
Redditt	Weinert
	Winfield

Absent

Head	Small
Roberts	

Absent—Excused

Spears	Stone
	of Washington

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 9, Page 5, by adding in line 50 after the word "same" the following: "Provided that no mineral lease executed by the good faith claimant previous to the filing of the vacancy claim shall give the lessee any interest in, or to, any vacancy."

Senator Weinert moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—9

Collie	Small
Hardin	Spears
Redditt	Van Zandt
Roberts	Weinert

Nays—17

Aikin	Martin
Brownlee	Metcalfe
Burns	Moore
Cotten	Nelson
Graves	Pace
Hill	Stone
Isbell	of Galveston
Lanning	Sulak
Lemens	Winfield

Absent

Beck	Moffett
Head	Shivers
Kelley	

Absent—Excused

Stone
of Washington

Question recurring on the amendment, it was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 9 by striking out all of line 55 after the word "right" and all of lines 56 and 57.

The amendment was adopted by the following vote:

Yeas—20

Aikin	Martin
Beck	Metcalfe
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Spears
Hill	Sulak
Kelley	Van Zandt
Lanning	Winfield

Nays—8

Hardin	Small
Isbell	Stone
Redditt	of Galveston
Roberts	Weinert
Shivers	

Absent

Head	Lemens
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Absent—Excused

Stone
of Washington

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 9 by adding new section:

"The State of Texas, acting by and through its Attorney General, is hereby directed to change the venue in the suit that is now pending in the District Court of Travis County, wherein the suit involves lands in Polk County, Texas; that said suit be transferred to the District Court of Polk County, Texas."

Senator Weinert raised a point of order against consideration of the amendment on the ground that it is not germane to the original purposes of the bill.

Senator Van Zandt raised a point of order against consideration of the amendment on the ground that, in violation of Section 56 of Article III of the Constitution, it attempts to change the venue of certain specific civil cases now pending.

The President sustained the point of order raised by Senator Van Zandt.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 9 by inserting a new section at the close of Section 4a to be known as Section 5 and to read as follows; and renumber the succeeding Section accordingly:

"Section 5.—

"Section 1. All lands set apart for the permanent free school fund and the several asylum funds by the Constitution and the laws of this State and the mineral estate in river beds and channels, and the mineral estate in all areas within tidewater limits including islands, lakes, bays, and the bed of the sea, are subject to control and disposition in accordance with the provisions of this Act and other laws not in conflict herewith; provided, however, that the provisions of this Act shall not apply to those lands awarded to the State of Texas by decree of the Supreme Court of the United States on March 17, 1930, in Cause entitled: The State of Oklahoma vs. The State of Texas, the United States of America, Intervenor, but said land shall be sold and disposed of in accordance with the provisions of Chapter 185, Acts of the Regular Session of the Forty-second Legislature.

"Sec. 2. The mineral estate in river beds and channels and in all areas within tidewater limits, including islands, lakes, bays, and the bed of the sea are hereby set apart and dedicated to the permanent school fund.

"Sec. 3. There is hereby created a board to be known as the School Land Board, and to be composed of three members, namely: the Commissioner of the General Land Office, who shall be chairman, the Governor and the Attorney General.

"Sec. 4. The duties of the School Land Board shall be to set all dates for the leasing and the sale of surveyed lands, and to determine the prices at which any land, whether surveyed or unsurveyed, shall be leased or sold, and to perform any other duties that may be imposed upon them by law. All such lands shall be sold and leased subject to the terms and conditions provided by law, except that no land shall be appraised at a less price than Two (\$2.00) Dollars per acre; provided, however, that lands lying and being situated west of the Pecos River may be appraised at a price not less than One (\$1.00) Dollar per acre.

"Sec. 5. The School Land Board shall meet on the first and third Tuesdays of each month in the General Land Office, where its sessions shall be held and continued until its docket is cleared, subject to recesses at the discretion of the Board. The Board shall select a secretary who

shall be nominated by the Commissioner of the General Land Office and approved by a majority of the Board. The Commissioner of the General Land Office is authorized to employ other employees which may be necessary for the discharge of the duties of the Board, and particularly is authorized to employ a geologist and mineralogist, who shall keep informed with reference to the minerals on public school lands and all activities under pending applications and previous leases and sales, and shall report to the Board all information obtained with reference thereto. The employees of the Board shall be deemed to be employees of the General Land Office, and all civic and criminal laws regulating the conduct and relations of the employees of the General Land Office shall apply in all things to the employees of the Board.

"Sec. 6. The School Land Board shall keep a record of its proceedings to be called its minutes which shall include a docket on which the secretary shall enter all matters to be considered by the Board, the minutes and docket to be subject to inspection by any citizen of Texas desiring to make an examination thereof on payment of such fees as may be prescribed by law for the examination of other Land Office records, the examination to be in all cases in the presence of the secretary of the Board or some clerk designated for that purpose as prescribed by law. All records and proceedings of the Board shall be records and archives of the General Land Office.

"Sec. 7. The School Land Board, as soon after the passage of this Act as may be practicable, shall adopt rules of procedure and regulation for the sale and leasing of areas included herein not inconsistent with this Act and other laws on the subject for the sale and lease of school and asylum lands and the lease of the mineral estate in river beds and channels and islands, lakes and bays within tide water limits and the bed of the sea.

"Sec. 8. The description of public free school land offered for sale or lease shall be in accord with such descriptions as may be found in the School Land Registry of the General Land Office and shall be entered on the docket; and when applications to purchase either the land or the lease, as the case may be, are filed, the name of the applicant and the

amount of his bid shall also be entered on the docket. The minutes shall show the fact of acceptance of a bid or the rejection of a bid and the approval of the minutes will constitute the approval of the act of acceptance or the act of rejection, as the case may be.

"Sec. 9. It shall be the duty of the Commissioner of the General Land Office to furnish the Board from time to time a list of all lands subject to the provisions of this Act.

"Sec. 10. All awards or leases shall be issued by the Commissioner of the General Land Office in accordance with the minutes as approved by the School Land Board.

"Sec. 11. It shall be the duty of the School Land Board to advise the Commissioner in all matters submitted to it for such purpose.

"Sec. 12. The Board shall insert, in at least four daily newspapers in at least three issues of each, thirty days in advance of a sale date, which shall be the first Tuesday in any month, an advertisement to the effect that leases or land will be offered for sale on a certain date and that lists describing the land may be had at the General Land Office.

"Sec. 13. The School Land Board shall have the right to reject any and all bids, but unless the Board elects to reject any and all bids, it shall be required to accept the best bid submitted.

"Sec. 14. (a) All functions now vested by law in the Board of Mineral Development created by Chapter 40, Acts of the Second Called Session of the Forty-second Legislature, are hereby transferred to and vested in the School Land Board, subject to the same powers, rights, duties, restrictions and limitations now imposed by law upon the Board of Mineral Development. The Board of Mineral Development is hereby abolished.

"(b) Upon the taking effect of this Act, all books, papers, records, property and pending business theretofore made, used, acquired or conducted by the Board of Mineral Development in the exercise of its functions hereby transferred, shall be transferred to and vested in the School Land Board.

"(c) All officers and employees of the Board of Mineral Development may be transferred to the School Land Board, and shall perform the duties of the Board as directed by the

Commissioner of the General Land Office, subject to the conditions hereinabove set forth. The Commissioner of the General Land Office shall have the power to eliminate unnecessary positions, to transfer officers and employees between positions, and to change the duties, titles and compensation of the existing offices and positions necessary to effect an efficient administration of the Board.

(d) The balances of the appropriations heretofore made to the credit of the General Land Office for the use of the Board of Mineral Development are hereby made available for expenditure by the Commissioner of the General Land Office in the exercise of such functions hereby transferred to and vested in the School Land Board.

"Sec. 15. The sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated annually out of any funds in the State Treasury, not otherwise appropriated, to pay the salaries and expenses of all persons employed or appointed by the Board as herein provided, and all other expenses necessary for the proper discharge of the duties of the Board. The compensation of all persons employed by the Board shall be in line with salaries paid other State officials and employees holding similar positions and doing similar work.

"Sec. 16. Nothing in this Act shall apply to applications on file, or which are involved in pending litigation upon the effective date hereof, nor to the title to the land involved in any suit to which the State is now a party, nor to any pending suit.

"Sec. 17. If any provision of this Act shall be declared invalid or unconstitutional, the remaining provisions shall not be affected thereby, but shall remain in full force and effect.

"Sec. 18. All laws or parts of laws in conflict herewith are hereby expressly suspended to the extent of such conflict only.

"Sec. 19. Nothing in this Act shall be construed as removing from or interfering with the rights and powers of the surface owner of lands sold or to be hereafter sold by the State, with a mineral reservation, to act as agent of the State in making and executing mineral leases covering and affecting such lands, but the authority of such surface owner shall re-

main the same as provided by law, and is in no wise abridged, modified or removed by this Act."

The amendment was adopted by the following vote:

Yeas—20

Aikin	Moffett
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Shivers
Graves	Small
Hill	Stone
Isbell	of Galveston
Lanning	Sulak
Martin	Van Zandt
Metcalf	

Nays—8

Hardin	Roberts
Head	Spears
Kelley	Weinert
Moore	Winfield

Absent

Beck	Lemens
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Absent—Excused

Stone
of Washington

Senator Cotten offered the following amendment to the bill:

Amend H B. No. 9 by striking out paragraph 3, Subsection (c) of Section 1, beginning at line 40, page 3, and ending at end of line 54."

The amendment was lost by the following vote:

Yeas—13

Brownlee	Moore
Burns	Nelson
Cotten	Pace
Graves	Spears
Head	Sulak
Hill	Van Zandt
Lanning	

Nays—13

Aikin	Redditt
Beck	Roberts
Collie	Shivers
Kelley	Small
Martin	Stone
Metcalf	of Galveston
Moffett	Weinert

Absent

Hardin	Lemens
Isbell	Winfield

Absent—Excused

Stone
of Washington

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 9, page 7, lines 5 and 6, by striking out of said lines the words: "it now is and is in nowise abridged or removed by this Act" and substitute in lieu thereof the following: "provided by law, and is in nowise abridged, modified or removed by this Act."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 9 by striking out in Section 1, Subsection (h), lines 2 and three, page 6, the words "one twenty-fourth" and substitute in lieu thereof the words "one sixteenth."

Senator Cotton offered the following substitute for the amendment:

Amend H. B. No. 9 by striking out the following in lines 2 and 3, page 6, Subsection (h), Section 1: "one twenty-fourth," and insert in lieu thereof the following: "four-sixteenths."

Question—Shall the substitute be adopted?

Senator Martin was permitted to submit at this time the following amendment to the bill:

Amend H. B. No. 9 by adding at the end of paragraph 3, Subsection (c), Section 1, line 54, the following: "Provided that the applicant shall have the right of appeal from the estimate of cost so made by the Commissioner, to the District Court of Travis County by giving notice to the Commissioner in writing thereof within (15) days after the receipt of said estimate from said Commissioner as herein provided, and provided that said applicant shall have 15 days after the decision of said District Court as to amount in which to make payment thereof,"

Senator Van Zandt was permitted to submit at this time the following amendment to the bill:

Amend H. B. No. 9 Subsection (c) of Section 1 by striking out 15 wher-

ever it occurs in said section and substituting 30.

Senator Moffett moved the previous question on the pending amendments, on the amendments submitted by Senators Martin and Van Zandt, and on the passage of the bill to third reading; and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—19

Beck	Redditt
Burns	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Kelley	Stone
Lemens	of Galveston
Metcalfe	Van Zandt
Moffett	Weinert
Pace	Winfield

Nays—9

Aikin	Lanning
Brownlee	Martin
Collie	Moore
Graves	Nelson
Isbell	

Present—Not Voting

Cotten

Absent

Sulak

Absent—Excused

Stone
of Washington

Senator Hill moved that the Senate recess to 10:00 o'clock a. m., tomorrow, and the motion was lost.

Question then first recurring on the substitute by Senator Cotten, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—10

Beck	Hill
Brownlee	Lemens
Burns	Nelson
Cotten	Pace
Graves	Van Zandt

Nays—20

Aikin	Hardin
Collie	Head

Isbell	Shivers
Kelley	Small
Lanning	Spears
Martin	Stone
Metcalfe	of Galveston
Moffett	Sulak
Moore	Weinert
Redditt	Winfield
Roberts	

Absent—Excused

Stone
of Washington

Question next recurring on the first amendment offered by Senator Martin, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—18

Beck	Martin
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Spears
Hill	Sulak
Isbell	Van Zandt
Lanning	Winfield
Lemens	

Nays—12

Aikin	Roberts
Hardin	Shivers
Head	Small
Kelley	Stone
Metcalfe	of Galveston
Redditt	Weinert

Absent—Excused

Stone
of Washington

Question next recurring on the second amendment submitted by Senator Martin, it was adopted.

Question next recurring on the amendment submitted by Senator Van Zandt, it was adopted.

By unanimous consent, the caption was ordered amended to conform to the changes in the body of the bill.

Question then recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—25

Aikin	Moore
Beck	Nelson
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Nays—5

Brownlee	Hill
Burns	Pace
Cotten	

Absent—Excused

Stone
of Washington

House Bill 9 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Beck	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Nays—3

Brownlee	Hill
Cotten	

Absent—Excused

Stone
of Washington

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Moore
Beck	Nelson
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Nays—4

Brownlee	Cotten
Burns	Pace

Paired

Senator Hill (present), who would vote "nay" with Senator Stone of Washington (absent), who would vote "yea."

Report of Conference Committee on Senate Bill 75

Senator Nelson submitted the following report of the conference committee on S. B. No. 75:

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 75,

Have met and beg leave to recommend that said S. B. No. 75 be passed in the form hereto attached.

Respectfully submitted,

JOHNSON,
GILMER,
MONKHOUSE,

On the part of the House.

NELSON,
HEAD,
COTTEN,

On the part of the Senate.

A BILL

TO BE ENTITLED

An Act to regulate brokers who sell transportation or who may make any contract, agreement or arrangement to provide, procure, furnish or arrange for transportation,

furnish information relative to such transportation, or introduce parties wishing to engage in transportation; to require such brokers to have a broker's license; defining certain words and terms; providing for the issuance, also the cancellation, of such licenses by the Railroad Commission of Texas; fixing the conditions under which such licenses may be issued; providing that the Railroad Commission may make reasonable rules and regulations necessary to carry out the express powers granted to it and those necessarily implied from this Act; providing that said Commission must follow a certain procedure with respect to the adoption, approval, promulgation and enforcement of such rules and regulations; providing for hearings for all interested parties; requiring that all brokers furnish certain bonds, insurance or other security; providing for reviews of orders of the Commission; providing penalties and declaring an emergency; providing for notice, hearing and procedure by said Commission with respect to the question as to who shall be considered brokers subject to this Act; providing that it shall be unlawful for broker or anyone else to sell transportation for passengers at less than rates fixed by said Commission; providing that it shall be unlawful for a broker to operate as such without first procuring a license issued by said Commission; excluding certain persons from the classification of brokers; providing for procedure to be followed by said Commission in the issuance of such brokers' licenses; making certain provisions with respect to certain brokers who may be operating as such when this Act takes effect; providing for the nontransferability of such brokers' licenses; providing that such licenses shall become void under certain contingencies; providing for definite locations for the places of business of such brokers; providing that all brokers shall not charge less for transportation than the rate fixed or approved by the Railroad Commission of Texas and shall have no part in such transportation except at rates approved of by said Commission; providing that said Commission may adopt and enforce rules and regulations necessary to determine who is and who is not a broker and in enforcing its duly

approved rates and fares and brokerage charges to be charged by brokers and in seeing that passengers are not transported in such fashion as to leave them unprotected against damage to property and person; providing that each broker shall file bond or other security with the Commission conditioned in a certain way definitely set forth in this Act; providing for suits by the Attorney General or any District or County Attorney against such bond or other security, collect certain penalties and other monies in the event brokers bring about or cause rebates either in fares or in brokerage charges; providing that brokers shall file certain insurance with said Commission containing certain provisions for the benefit of the persons transported or caused to be transported by brokers; providing that it shall be unlawful for a broker to transport or cause to be transported any person in vehicles over State highways unless such passenger is fully protected by surety bond or insurance and giving such passenger, his heirs, estate and beneficiaries certain rights to recover on such security bond or insurance; providing that all brokers shall keep certain records, making other provisions with reference to such records; providing a procedure to be followed by the Railroad Commission and by applicants before it with respect to the issuance of brokers' licenses; providing fees in connection with the issuance and granting of such brokers license; providing that said Commission shall have power to conduct certain hearings upon the application of certain persons; providing that the Commission or any member thereof shall have power to force attendance of witnesses, swear witnesses, take testimony and make certain decisions and render certain judgments and enter certain orders with respect to certain brokers; providing penalties for the violation of this Act or any rule, regulation, order or decree of said Commission promulgated in pursuance of this Act; providing that certain persons and officers shall have power to make arrests for violation of this Act; providing that said Commission may cancel brokers licenses, fixing the procedure to be followed in that connection; repealing all conflicting laws; preserving the validity of all

parts of this law not declared to be invalid or unconstitutional; setting forth a declaration of policy, and, generally providing for the carrying out of said policy under the terms of this Act by the Railroad Commission of Texas and other officers of the State; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. (a) That the term "corporation" when used in this Act means a corporation, company, association or joint stock association.

(b) The term "person" when used in this Act means an individual, firm, or co-partnership.

(c) The term, "motor bus company" when used in this Act means every corporation or person as herein defined, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled passenger vehicle, not usually operated on or over rails, and engaged in the business of transporting persons for compensation or hire over the public highways within the State of Texas, under certificates of public convenience and necessity issued by the Railroad Commission of Texas, whether operating over fixed routes or fixed schedules or otherwise; provided further, that the term "motor bus company" as used in this Act shall not include corporations or persons, their lessees, trustees, or receivers, or trustees appointed by any court whatsoever, in so far as they own, control, operate, or manage motor propelled passenger vehicles operated wholly within the limits of any incorporated municipal corporation, town or city and the suburbs thereof, whether separately incorporated or otherwise.

(d) The term "Commission" when used in this Act means the Railroad Commission of the State of Texas.

(e) The term "broker" as used in this Act shall mean any person, firm, corporation or association of persons whatsoever, who or which, as principal or agent, shall for compensation, sell or offer for sale, transportation for passengers of any character, or who or which make any contract, agreement, or arrangement to provide, furnish, or arrange for such transportation, directly or indirectly, whether by selling of tickets or of information, or the introduction of

parties where a consideration is received or otherwise, or who or which shall hold himself or itself out by advertisement, solicitation or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation, information or introduction; provided, however, the term "broker" shall not apply to or include any such person, firm, corporation or association of persons whatsoever unless and until the Railroad Commission of Texas, after notice and hearing, shall have determined, from credible and competent evidence introduced before it or before some person authorized by present laws to conduct hearings for it, that such person, firm, corporation or association of persons has so conducted himself or itself in the course of the acts, transactions and things mentioned in this Subsection (e) as to bring about a reasonably continuous or customary competition with one or more "motor bus companies," holding one or more certificates of convenience and necessity, duly and properly issued by the Railroad Commissions of Texas under Chapter 270, General Laws Fortieth Legislature, 1927, as amended at the First Called Session of the Forty-first Legislature and any and all present and future amendments thereto; provided however, a carrier of passengers by rail shall never be considered a broker.

(e½) The Railroad Commission of Texas shall have and it is hereby given the power and authority, either upon motion of any interested person or upon its own motion to investigate through a public hearing any person, firm, corporation or association of persons thought to be or charged with being a "broker" as that term is defined herein and to make a determination of the fact question as to whether said status of "broker" actually exists.

The person, firm, corporation, or association of persons sought to be so investigated shall be given at least ten (10) days notice by mail of such hearing and all motor bus companies probably or possibly affected by the asserted competition of such person, firm, corporation or association of persons shall likewise be given the same character of notice by mail and shall be given an opportunity to be heard; and, in addition, the owner or owners of all other existing passenger

transportation facilities serving all or a portion of the territory thought to be or charged with being served by the person, firm, corporation, or association of persons under investigation shall be given the same character of written notice and, they along with any other interested party, shall be given an opportunity to be heard. The notice mentioned shall be not less than ten (10) days exclusive of the day of mailing.

Before the Commission determines that a person, firm, corporation or association of persons is a "broker" as that term is defined herein, it shall make findings, based on competent and credible testimony that the said person, firm, corporation or association of persons has customarily or with reasonable continuity brought about competition in the transportation of persons for hire between one or more motor bus companies, which have theretofore been duly and properly issued one or more certificates of public convenience and necessity, on the one hand, and other motor vehicles, not so certificated, on the other hand.

(f) The term "license" as used herein means a license issued to a broker.

Sec. 2. It shall be unlawful for any broker or anyone else to sell any ticket or tickets for the transportation of passengers within this State over any motor bus company's line at any rates other than the rates legally authorized and approved by the Commission.

Sec. 3. No broker shall for compensation sell or offer for sale, transportation for passengers of any character, nor make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation, directly or indirectly, whether by the selling of tickets, or of information, or the introduction of parties where a consideration is received or otherwise, nor shall hold himself or itself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts or arranges for such transportation of information unless such broker holds a broker's license issued by the Railroad Commission of Texas authorizing such activities; provided further that the provisions hereof shall not apply to transportation of passengers on steamship lines operating between ports of this State and

ports of the United States and ports of any foreign company, and transportation of passengers of any authorized carrier or carriers operating in either interstate or intrastate transportation; and provided further that nothing herein contained shall in any manner affect the rights of private individuals as a mere incident to travel who are not brokers to enter into agreements or arrangements for transportation on a share-expense plan where in such negotiations or arrangements the services of an unlicensed broker, as herein defined, do not intervene or are not used.

Sec. 4. A broker's license may be issued to any qualified applicant therefor upon application to the Commission in such form as the Commission shall prescribe, authorizing the whole or any part of the operation covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the services proposed and to conform to the requirements, rules and regulations of the Commission promulgated hereunder, and within the limits hereof, and that the proposed service to the extent authorized by the license, is, or will be consistent with the public interest; otherwise, such application shall be denied. Any broker in bona fide operation when this Act takes effect shall have a period of thirty days thereafter within which to apply for a broker's license, and if such application be filed such broker, if in bona fide operation when this Act takes effect may continue such operation under such rules and regulations, as the Commission may prescribe within the limits of this Act, until such application be by the Commission determined.

Sec. 5. The license herein provided for shall be personal in nature and shall not be sold, transferred, nor assigned. No broker shall be authorized to have more than one place of business, the location of which shall be designated in the license as issued by the Commission and no broker shall be authorized to change the location of his business without the approval of the Commission. If a broker dies, discontinues business for a period of thirty days, or removes from the county where such license was issued, the license shall immediately become void and shall be by the Commission cancelled.

Sec. 6. All brokers in transporting or causing to be transported passengers on the highways of Texas shall be bound by the tariffs, fares and rates approved of by the Railroad Commission of Texas covering the transportation for hire of persons over the highways of Texas; and shall not, directly or indirectly, transport or cause to be transported over State Highways any person at a greater or lesser fare or rate than that approved of by the Commission save and except that any broker shall be allowed a reasonable brokerage for his services but said brokerage and all details and particulars in connection therewith, including who shall pay such brokerage, shall be first approved of by the Commission.

Sec. 7. The Commission shall have power, after proper notice and hearing, in a manner hereinafter more particularly set forth, to make, adopt and enforce any reasonable rules and regulations, and to enforce the same, which may be necessary in assisting it to determine just who are and who are not brokers and in enforcing observance of its duly authorized and approved rates, tariffs and fares and in inspecting and approving brokerage charges to be charged by brokers for their services as such and in seeing to it that passengers are not transported in vehicles and under conditions wherein and whereunder they are unprotected against injury and damage to person and property during such transportation or as a proximate result thereof and in assisting it in otherwise exercising the powers expressly given it or necessarily implied from and by this Act.

Sec. 8. Each broker, prior to the issuance of any license to him, shall file a bond or other security with the Commission and shall procure its approval of the same conditioned in such fashion that the State of Texas, through its Attorney General or any District or County Attorney, may proceed against said bond or other security and the principals and sureties thereon for a recovery of all money representing the difference between the money actually paid by any and all persons for such transportation arranged for by the broker, on the one hand, and the money which should have been paid under the applicable tariffs, rates and fares theretofore approved of by the Commission, on the other hand, plus a

penalty of Twenty-five Dollars (\$25) for each person so transported at the instigation of the broker at a lesser or greater charge or fare than the Commission's duly and properly approved tariff, rate or fare; and further conditioned in such fashion that the Attorney General or any District or County Attorney may similarly proceed for a recovery of all money representing the difference between the money actually collected by said broker as for his brokerage, on the one hand, and the money which should have been collected by him as for brokerage under the Commission's duly approved rate of brokerage, on the other hand, plus a penalty of Twenty-five Dollars (\$25) on each passenger connected with the broker but with respect to whom the broker failed, refused or neglected to collect the proper brokerage previously fixed or approved of by the Commission. All money recovered, either as differences between money actually collected and that which should have been collected as penalties under this Section 8 shall become the property of and be owned by the State of Texas, as a penalty and not as a forfeiture.

Sec. 9. No broker shall have any part in transporting or causing to be transported any person for hire over the highways of Texas except in a vehicle and under circumstances wherein and whereunder such passenger and his heirs, his estate and his beneficiaries are fully protected, by security, bond or insurance to be approved by the Commission, against damage, loss and injury resulting from loss of or damage to property possessed by such passenger during such transportation or as a proximate result thereof, and, as well, against damage, loss and injury resulting from such passenger's personal injury or death during such transportation, or as a proximate result thereof; and, if any such passenger, his heirs, his estate or his beneficiaries, be damaged or injured in his person or rights or property as a result of such passenger's being transported in such unprotected manner, then those entitled to a recovery by reason of such unprotected transportation, in the event they cannot make themselves whole by proceeding against the actual hauler or carrier, shall be entitled to proceed against the broker, insurer, bond or

other security and the principal and sureties thereon to the extent necessary to make them and each of them whole; and each broker's bond, insurance or other security shall be so conditioned; and each broker shall be required to furnish or renew such insurance, bond or other security as may be and to the extent necessary from time to time and as may be ordered by the Commission to effectuate all of the protection for the State and for such other persons as are mentioned in this section; and such insurance, bond or other security shall be further conditioned in such fashion that, if and when any passenger, through no fault of his own has not been carried over the route called for by the agreement with the broker or has not been carried all of the way to the destination agreed upon with the broker then the party or parties injured or damaged by such deviation from route or by such failure to carry the passenger through to his destination, in the event they cannot make themselves whole by proceeding against the actual hauler or carrier, shall be fully protected by and shall be allowed to proceed against the broker, insurance, bond or other security and the insurer, principal or sureties thereon to the extent necessary to make the injured or damaged party or parties whole.

Sec. 10. The Railroad Commission of Texas shall have and it is hereby given power and authority to adopt, approve, promulgate and enforce rules and regulations to the extent necessary and only to the extent necessary to aid and assist it in carrying out the express and necessarily implied powers granted it by this Act; but before adopting, approving, promulgating or enforcing any such rules and regulations, a copy thereof shall be sent by mail to each person, firm, corporation and association of persons known or thought by the Commission to have an interest in the subject matter of such rules and regulations; and in addition such proposed rules and regulations shall be published on three successive days in a daily newspaper of general circulation in each of the Cities of San Antonio, Houston, Dallas, Fort Worth, El Paso, Texarkana, Amarillo and Brownsville, Texas, and in each such notice and publication the Commissions shall give all interested persons, firms, corporations and associa-

tions of persons express notice that it intends to adopt, approve, promulgate, and enforce such proposed rules and regulations and that a public hearing will be held thereon in Austin, Texas, at a given hour and date for the purpose of hearing any and all objections thereto and any and all evidence and statements and arguments in regard thereto and for the purpose of making any and all necessary changes, eliminations and amendments in and to such published and proposed Rules and Regulations; and in such notices and publications all interested parties shall be given notice to be and appear at the given time and place for the purpose of such a hearing. At any and all such hearings the Commission shall give all interested parties an opportunity to present evidence, statements and arguments for and against the adoption of the proposed Rules and Regulations. And the Commission shall adopt such Rules and Regulations, in whole or in part as it shall deem proper but its action shall be reasonable and shall be based upon the substantial effect of the record made at such hearing or upon the substantial effect of its other records of which it may take notice under present laws. The hearing contemplated shall be held at least ten (10) days from the mailing of the notices exclusive of the day of mailing and at least ten (10) days from the appearance of the last notice in said newspapers of either of them.

Sec. 11. Each and every broker shall keep an accurate record of each and every contract, agreement, or arrangement for transportation which he or it may make with every person, traveling or desiring to travel, with whom the broker may contract or arrange transportation on such form and containing such information as the Commission may prescribe and require. Such record shall be open to inspection to any sheriff, constable, county or district attorney, and to any officer, agent, inspector, or other employee of the Railroad Commission at all times. Such records shall not be destroyed until after the expiration of three years and then only after an order of the Commission authorizing the destruction thereof.

Sec. 12. No application for a broker's license shall be granted until after hearing thereof, notice of which

shall be given to all motor bus companies serving the territory proposed to be served by applicant, and to the County Judge and District and County Attorney of the county in which applicant resides, at least ten days prior to the date of such hearing, at which hearing any interested party may appear and be heard. Each application for a broker's license shall be accompanied by a filing fee of Twenty-five (\$25.00) Dollars which shall be payable to the State Treasurer at Austin, and shall be by the State Treasurer deposited in the State Treasury and credited to the fund known and designated as the "Motor Transportation Fund," and be used in administering this Act. Each person, firm, corporation, or association of persons holding a broker's license under the terms of this Act shall on the first day of January of each and every year that such license is in effect, pay to the State Treasurer a fee of Twenty-five (\$25.00) Dollars which shall be deposited in and become a part of the General Revenues of the State, and such brokers shall not be authorized to transact any business in any calendar year until such fee is paid and if not paid on or before the first day of March of any year such license shall be automatically cancelled.

Sec. 13. The Commission shall have the power and authority under this Act to hear and determine all applications of brokers for a license; to determine complaints presented to it by brokers, by any public official or by any citizen having an interest in the subject matter of the complaints, or it may institute an investigation in any matter pertaining to brokers upon its own motion. The Commission, or any member thereof, or authorized representative of the Commission, shall have the power to compel the attendance of witnesses, swear witnesses, take their testimony under oath and make a record thereof, and if such record is made under the direction of a Commissioner, or authorized representative of the Commission, a majority of the Commission may, upon the record, render judgment as if the case had been heard before a majority of the members of the Commission. The Commission shall have the power and authority under this Act to do and perform all necessary things to carry out the purpose, intent, and provi-

sions of this Act, and to that end may hold hearings at any place in Texas which it may designate.

Sec. 14. The applicant for a broker's license, any motor bus company or other interested person, may, if he or it be dissatisfied with any decision, rule, order, act, or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party may file a petition setting forth the particular objection to such decision, rule, order, act or regulation, or to either of all of them in the district court of the plaintiff's residence or principal place of business, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil causes in said court; either party to said action may appeal to the appellate court having jurisdiction of said cause and said appeal shall be at once returnable to said appellate court having jurisdiction of said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues the suit may be filed during such term and stand ready for trial after ten days notice. In all trials under this section the burden of proof shall rest upon the plaintiff who must show by the preponderance of the evidence that the decisions, regulations, rules, orders, and acts are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder and no injunction shall be granted against any order of the Commission without hearing unless it shall clearly appear that irreparable injury will be done the complaining party if the injunction is not granted.

Sec. 15. Any person, corporation, or any officer, agent, servant, or employee of any such corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of this Act or any rule, regulation, order or decree of the Commission, promulgated under the terms of this Act shall be guilty of a misdemeanor and upon conviction, thereof, shall be punished by a fine of not less than One Hundred \$(100.00) Dollars and not to exceed Two Hundred

Dollars, and the violations occurring on each day shall each constitute a separate offense. Any authorized inspector for the Railroad Commission and all law enforcement officers of the State shall have power and authority and it shall be their duty to make arrests for the violation of any of the provisions of this Act.

Sec. 16. The Railroad Commission may in its discretion after ten days notice and a hearing cancel any license issued under the provisions of this Act for the violation of this or any other statute of this State, the violation of any lawful order, rule or regulation promulgated by the Commission under authority hereof or for any failure of any broker to discharge any and all claims or demands of any member of the public for which such broker may be legally liable by reason of any act of such broker in selling, providing, procuring, contracting, or arranging for such transportation, information, or introduction under the terms of this Act.

Sec. 17. All laws and parts of laws in conflict herewith are expressly repealed.

Sec. 18. If any section, sub-section, clause, sentence, or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of the Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, clause, sentence, or phrase thereof irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 19. Declaration of Policy. The Legislature finds that there has grown up in this State a type of business in which transportation is sold or arranged for in various forms consisting of the selling or giving of information with respect to travel and transportation, the introduction of parties and various other methods and practices which interferes with and obstructs the functions of the Railroad Commission of Texas in connection with its control of motor bus companies holding certificates of public convenience and necessity issued by said Commission, and which is hazardous and dangerous to the public health, morals and general welfare, and that passengers are often stranded by drivers of cars to whom they have paid money for transportation and other fees or commissions for

being brought into contact with the drivers of such cars and that this often occurs when such passengers are far from home and friends and left to complete their journey any way they can; that passengers after beginning a journey are often required to pay additional money or buy supplies in order to complete their journey; that passengers are often carried over long and circuitous routes contrary to representations made to them; that there has developed a class of irresponsible persons who operate automobiles from place to place with no destination and no motive except to transport persons as passengers for hire, who have no insurance to protect a passenger for personal injury or loss or damage to property and who are unable to respond in damages; that passengers are subjected to indignities and insults; that irregularities and abuses require the regulation and policing of Broker's operations and that such regulation is necessary in the interest of the health, moral and general welfare of the people of this State.

Sec. 20. The fact that the Railroad Commission is being frustrated in the exercise of its jurisdiction over the transportation of passengers for hire over State highways by the activities of Brokers and the fact that passengers are often stranded by drivers of cars to whom they have paid money for transportation and other fees or commissions for being brought into contact with the drivers of such cars and that this often occurs when such passengers are far from home and friends and left to complete their journey in any way they can; that passengers after beginning a journey are often required to pay additional money or buy supplies in order to complete their journey; that passengers are often carried over long and circuitous routes contrary to representations made to them; that there has developed a class of irresponsible persons who operate automobiles from place to place with no destination and no motive except to transport persons as passengers for hire, who have no insurance to protect a passenger for personal injury or loss or damage to property and who are unable to respond in damages; that passengers are subjected to indignities and insults; that irregularities, abuses, and injuries to the traveling public have arisen which are dangerous to the welfare, health, morals, and safety

of the general public; and that regulation of brokers is essential and necessary to the proper regulation of motor bus transportation, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days be suspended, and that said Rule is hereby suspended, and that this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Message from the House

The Chief Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has amended the following bill by striking out the enacting clause:

S. B. No. 176, A bill to be entitled "An Act to aid Conservation Districts, Navigation Districts, Conservation and Reclamation Districts, Flood Control Districts, and River Authorities, created by the Acts of the Legislature of this State, in carrying out the powers, duties and functions conferred upon such Districts and River Authorities by the Legislature; granting and donating to such Districts and River Authorities for a period of twenty years, Fifty (50%) per cent of all the State ad valorem taxes for general revenue purposes upon the property and from persons in counties comprising, in whole or in part, such Districts or River Authorities, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Bill and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bill and resolutions:

H. C. R. No. 132, Recalling H. B. No. 533 from Governor's office.

H. C. R. No. 126, To correct enrolled copy of H. B. No. 954.

S. B. No. 190, "An Act providing for preference of employment in all State departments of this State of honorably discharged soldiers, sailors, nurses, and marines of the Army and Navy of the United States in the late Spanish-American and Philippine Insurrection Wars, in the China Relief Expedition, and the late World War of the Allied Nations; providing per cent of preference; providing mode and manner of ascertaining said per cent; providing qualifications for applicant; providing remedies in case of refusal to make such appointments; and providing exemptions from said Act; and declaring an emergency."

Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Spears:

S. B. No. 459, A bill to be entitled "An Act authorizing the Commissioners' Court of any county having a population of not less than 290,000, and not more than 320,000, according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said County to be used exclusively upon land belonging to such owner situated in said County, in the construction of terraces, dikes and ditches for the purpose of said conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoirs and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

Reports of Standing Committees

The following reports were submitted by the committee chairmen whose names are signed thereto:

Austin, Texas,
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 963, by McFarland, A bill to be entitled "An Act amending Article 768 of the Code of Criminal Procedure of the State of Texas of 1925, as amended by Senate Bill No.

261, Chapter 86, Page 129, Acts of the Regular Session of the Forty-second Legislature, 1931, vesting in trial judges discretionary authority to credit defendants in criminal cases with the time spent in jail awaiting trial; and providing and vesting in trial judges discretionary authority to credit defendants in criminal cases with time spent in jail after trial and conviction, in all cases where defendants fail to give bond or enter into recognizance; providing such discretion shall not apply in cases where bond and/or recognizance is not permitted by law; repealing all laws in conflict; and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
April 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 457, A bill to be entitled "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials and persons, as mentioned in the Act, and for public funds, including sinking funds of cities, school districts and other political corporations and subdivisions of said State, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1036, A bill to be entitled "An Act to provide for the maximum maintenance and bond tax rate for school purposes in all independent school districts in counties having a population of not less than fifty-one

thousand, seven hundred and fifty (51,750) and not more than fifty-two thousand (52,000) inhabitants according to the last preceding Federal Census, and containing in such independent school district a city of not less than twenty-seven thousand, seven hundred and forty (27,740) and not more than twenty-seven thousand, eight hundred (27,800) inhabitants according to the last preceding Federal Census; repealing all laws and parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 973, A bill to be entitled "An Act providing for and fixing compensation for County Auditors in certain counties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1014, A bill to be entitled "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the

recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 459, by Spears, A Bill to be entitled "An Act authorizing the Commissioners' Court of any county having a population of not less than 290,000, and not more than 320,000 according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said County to be used exclusively upon land belonging to such owner situated in said County, in the construction of terraces, etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 196, by Dickison, A bill to be entitled "An Act releasing all penalty and interest accrued on ad valorem city and independent school district taxes which were delinquent on June 1, 1939, in all cities in this State having a population of not less than two hundred thousand (200,000) nor more than two hundred and fifty thousand (250,000) by the last preceding Federal Census, provided said taxes are paid on or before June 1, 1939; exempting from provisions of the Act penalties and interest on taxes which have been reduced to final judgment; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 46, by Beck, Granting permission to W. G. Farrier to sue the State of Texas, the State Highway Department, and the State Highway Commission,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 hereto attached and be not printed.

WEINERT, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1006, A bill to be entitled "An Act to ratify all acts and proceedings of the county board of school trustees in any county in the State in consolidating common school districts to independent school districts having a scholastic population of not less than two hundred and fifty (250) nor more than four hundred (400) according to the scholastic census at the time of the consolidation, and ratifying and confirming all acts and proceedings of the board in any way relating to such consolidation; and declaring an emergency,"

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 959, by Felty, A bill to be entitled: "An Act validating the organization of Water Control and Improvement Districts created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amend-

ments thereto in any county in the State of Texas having a population of not less than two hundred and fifty thousand (250,000) and not more than three hundred and ten thousand (310,000), according to the last preceding Federal Census; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 458, A bill to be entitled "An Act providing that private corporations may be formed for the purpose of planning, holding, financing, and conducting the national reunion and convention of any recognized fraternal order when held within the State of Texas, and exercising control over all matters pertaining to such reunion and convention; limiting the amount of filing fee that may be charged such corporations by the Secretary of State; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed, but not otherwise printed.

VAN ZANDT, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1022, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take, or kill squirrels in Angelina County, Texas; fixing a penalty for violation hereof; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1023, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Angelina and Tyler Counties any wild fox or the pelts thereof; providing that this law shall be in force for a period of two (2) years; providing various exceptions and exemptions; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 996, A bill to be entitled "An Act applicable to the County of Kimble, State of Texas, providing the method of taking fish from the public waters of Kimble County, Texas; permitting the use of a minnow seine of a certain size; providing possession of tackle shall be evidence of violation; providing legal length of fish; etc., and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1018, A bill to be entitled "An Act regulating the use of boats upon the waters of Caddo Lake in the Counties of Harrison and Marion in the State of Texas; prescribing who shall enforce the Act; prescribing the

penalty for violation of said Act; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 490, A bill to be entitled "An Act amending H. B. No. 38, Chapter 7, Page 13 of the General and Special Laws of the Forty-third Legislature, Third Called Session, 1934, providing for open season for taking squirrels in Nacogdoches County; providing penalties; repealing all laws in so far as they may be in conflict; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1017, A bill to be entitled "An Act making it lawful to catch by the use of seine of not less than three (3) inch mesh any fish in the waters of the Sabine River in Sabine County; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only; provided this Act shall not apply to other streams in Sabine County; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Suspension of Rule 98

Senator Pace moved that Senate Rule 98 be suspended to permit a hearing to be had tonight on H. B. No. 688, notwithstanding any request made, or to be made, pursuant to

said rule, for a 48-hour notice in advance of the committee hearing on said bill.

Senator Nelson was recognized to speak on the question—Shall the motion to suspend prevail?

Senator Moffett raised the point of order that the motion is not debatable.

The President sustained the point of order.

The motion to suspend prevailed by the following vote:

Yeas—22

Aikin	Pace
Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Cotten	Small
Hardin	Stone
Head	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Weinert
Moffett	Winfield
Moore	

Nays—8

Collie	Martin
Graves	Metcalfe
Hill	Nelson
Lemens	Spears

Absent—Excused

Stone
of Washington

(Senator Moffett in the Chair temporarily.)

(President in the Chair.)

Senator Head moved to reconsider the vote by which the motion of Senator Pace to suspend rule 98 prevailed.

Senator Pace moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12

Beck	Pace
Brownlee	Roberts
Burns	Stone
Cotten	of Galveston
Isbell	Van Zandt
Kelley	Weinert
Moffett	

Nays—12

Aikin	Lemens
Collie	Martin
Graves	Metcalfe
Head	Nelson
Hill	Spears
Lanning	Sulak

Absent

Hardin	Shivers
Moore	Small
Redditt	Winfield

Absent—Excused

Stone
of Washington

Question then recurring on the motion to reconsider, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Aikin	Lemens
Collie	Martin
Graves	Metcalfe
Head	Nelson
Hill	Spears
Lanning	Sulak

Nays—12

Beck	Pace
Brownlee	Roberts
Burns	Stone
Cotten	of Galveston
Isbell	Van Zandt
Kelley	Weinert
Moffett	

Absent

Hardin	Shivers
Moore	Small
Redditt	Winfield

Absent—Excused

Stone
of Washington

Recess

Senator Van Zandt moved that the Senate recess to 10:00 o'clock a. m., tomorrow.

The motion prevailed.

The Senate, accordingly, at 6:45 o'clock p. m., took recess to 10:00 o'clock a. m., tomorrow.

APPENDIX

**Reports of Committees on Enrolled
and Engrossed Bills**

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 135
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 26, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 54
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 45
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 5, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 453
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 436
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

In Memory of
Hon. Sam D. W. Low, Sr.

(Senate Resolution No. 77)

Senator Stone of Washington offered the following resolution:

Whereas, The Senate has learned with regret of the death of Sam D. W. Low, Sr., on Sunday, May 7, 1939; and

Whereas, Sam D. W. Low, Sr., was an honored and valuable citizen of the City of Brenham and the State of Texas, and his death is recognized as a distinct loss to our State; and

Whereas, Sam D. W. Low, Sr., served with distinction in the House of Representatives in the Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-seventh and Thirty-ninth Legislatures, where he distinguished himself by patriotic, unselfish service to his constituents and to the State at large; therefore, be it

Resolved by the Senate of Texas, That we express to the members of his family our deep and heartfelt sympathy and consolation, and that a copy of this resolution be spread upon the Journals of the day, and the Secretary of the Senate be directed to send a copy of this resolution to each member of the family of Sam D. W. Low, Sr., and be it further

Resolved, That when the Senate adjourns today it do so in memory of Sam D. W. Low, Sr.

STONE of Washington,
BROWNLEE.

Signed — Aikin, Beck, Brownlee, Burns, Collie, Cotten, Graves, Hardin, Head, Hill, Isbell, Kelley, Lanning, Lemens, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Roberts, Shivers, Small, Spears, Stone of Galveston, Stone of Washington, Sulak, Van Zandt, Weinert, Winfield.

The resolution was read.

On motion of Senator Sulak, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.